

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments. Claims 1-20 remain pending in the case. Claims 1-20 are rejected. Claims 1, 4, 6-9, 16 and 19 are amended herein. No new matter has been added.

Drawings/Specification

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because the Examiner asserts that Figure 4 is not described in the specification. Applicants respectfully submit that the drawings overcome the objection because Figure 4 is described in the specification. Specifically, Figure 4 is described at page 18, line 23, through page 19, line 3. Accordingly, Applicants submit that the drawings are in compliance with 37 CFR 1.84(p)(5).

Claim Objections

Claims 1 and 9 are objected to because the body of the claim does not appear to the Examiner to perform the intended use recited in the preamble. Applicants respectfully submit that one of ordinary skill in the art at the time of the invention would understand that the elements recited in Claims 1 and 9 could be used for forecasting, as claimed.

Claims 6 and 7 are objected to because they contain two periods. Claim 19, though not objected to, also contains two periods. Claims 6, 7 and 19 are amended herein removing one of the periods.

Claim 8 is objected to as containing no period. Claim 8 is amended herein to include a period.

35 U.S.C. §101

Claim 16 is rejected under 35 U.S.C. §101 as lacking patentable utility.

Applicants respectfully submit that Claim 16 is directed to patentable subject matter.

Applicants respectfully direct the Examiner to MPEP 2107.02(IV) which recites in part (emphasis added):

“To properly reject a claimed invention under 35 U.S.C. 101, the Office must (A) make a *prima facie* showing that the claimed invention lacks utility, and (B) provide a sufficient evidentiary basis for factual assumptions relied upon in establishing the *prima facie* showing. *In re Gaubert*, 524 F.2d 1222, 1224, 187 USPQ 664, 666 (CCPA 1975) (“Accordingly, the PTO must do more than merely question operability - it must set forth factual reasons which would lead one skilled in the art to question the objective truth of the statement of operability.”).... The *prima facie* showing must be set forth in a well-reasoned statement. Any rejection based on lack of utility should include a detailed explanation why the claimed invention has no specific and substantial credible utility. Whenever possible, the examiner should provide documentary evidence regardless of publication date (e.g., scientific or technical journals, excerpts from treatises or books, or U.S. or foreign patents) to support the factual basis for the *prima facie* showing of no specific and substantial credible utility. If documentary evidence is not available, the examiner should specifically explain the scientific basis for his or her factual conclusions.

Applicants respectfully submit that the Examiner has not satisfied the requirements outlined above. In particular, Applicants respectfully assert that the Examiner has not made a *prima facie* showing that the claimed invention lacks utility and has not provided substantial evidentiary basis relied upon in making a *prima facie* showing. Applicants submit that the statement “[t]he utility of claim 16 is not apparent, as the claim appears to be merely computing data” (see Detailed Action, section 6) is not sufficient to support a *prima facie* showing. Moreover, no evidentiary support is provided by the Examiner.

Furthermore, Claim 16 is directed to a new environment aggregation function analysis process. Applicants respectfully submit that one of skill in the art at the time of the invention would understand that the new environment aggregation function analysis process of Claim 16 includes practical utility by providing a process for aiding in the construction of an aggregation function. Therefore, Applicants respectfully submit that Claim 16 overcomes the rejection under 35 U.S.C. §101, as Claim 16 is directed toward patentable subject matter.

35 U.S.C. §112, second paragraph

Claims 1, 4, 8 and 9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 9 are rejected because the Examiner asserts that the scope of the limitation “running an information market” is unclear. Applicants have amended Claims 1 and 9 herein to recite “running an information market including an artificial market in which financial instruments are utilized, wherein said financial instruments are tradable by participants in said information market” (emphasis added). Support for this amendment can be found in the present specification at least at page 9, lines 8-20. Applicants respectfully submit that Claims 1 and 9 overcome the rejection under 35 U.S.C. §112, second paragraph, as the scope of the limitation “running an information market including an artificial market in which financial instruments are utilized, wherein said financial instruments are tradable by participants in said information market” is clear.

Claim 4 is rejected because the Examiner asserts that it is unclear how a person’s ability to analyze information is assessed. Applicants have amended Claim 4

herein to recite “utilizing different scenarios wherein said participants are presented with different information and wherein said characteristics include participants ability to identify and respond to quality of said information provided in said information market” (emphasis added). Support for this amendment can be found in the present specification at least at page 10, lines 9-13. Applicants respectfully submit that Claim 4 overcomes the rejection under 35 U.S.C. §112, second paragraph, as Claim 4 clearly recites how a participant’s ability to identify and respond to quality of information is assessed.

Claim 8 is rejected because the limitation “probability of the potential outcome assigned by a participant” lacks antecedent basis. Claim 8 is amended herein to recite “probability of a potential outcome assigned by a participant”. Applicants respectfully submit that Claim 8 overcomes the rejection under 35 U.S.C. §112, second paragraph, as limitations of Claim 8 include proper antecedent basis.

35 U.S.C. §102(e)

Claims 1-20 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Number 6,236,900 by Geiger, hereinafter referred to as the “Geiger” reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-20 are not anticipated by Geiger in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A forecasting process comprising:
running an information market including an artificial market in which financial instruments are utilized, wherein said financial instruments are tradable by participants in said information market;
extracting participant characteristics;
performing a query process; and
aggregating results of said query process with adjustments for participant characteristics.

Independent Claims 9 and 16 recite similar limitations. Claims 2-8 that depend from independent Claim 1, Claims 10-15 that depend from independent Claim 9, and Claims 17-20 that depend from independent Claim 16 provide further recitations of the features of the present invention.

Applicants respectfully assert that Geiger and the claimed invention are very different. According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration” (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983); see also MPEP 2131). However, it is not sufficient that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention “arranged as in the claim” (emphasis added; Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984); see also In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); see also MPEP 2131). In other words “[t]he identical invention must be shown in as complete detail as is contained in the ...claim” (emphasis added; Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); see also MPEP 2131).

Applicants understand Geiger to teach a method and system for Internet-based, competitive event prediction. Geiger teaches that “participants can submit predictions

of future events, obtain rewards for correct predictions and suffer penalties for incorrect predictions” (Abstract). Specifically “when an event occurs, points are awarded or subtracted from a participant's point holdings based on the length of time between the prediction and the occurrence of the event or events on which the prediction is based, the degree to which the occurrence of the event exceeds or falls short of an expected outcome, the reciprocal probability of the occurrence of the event, and a participant's confidence, measured in points, in the prediction” (Abstract).

Applicants understand Geiger to teach a system whereby users predict the outcome of future events (col. 2, lines 31-35). In particular, the system of Geiger does not provide for users participating in the future event, but rather predicting the outcome of the future event. In contrast, Applicants respectfully submit that Geiger does not teach, describe or suggest “running an information market including an artificial market in which financial instruments are utilized, wherein said financial instruments are tradable by participants in said information market”, as claimed (emphasis added). In other words, while the system of Geiger may allow users to predict the future price of a stock, the system of Geiger does not provide for trading the stock.

Moreover, Applicants understand Geiger to teach the receipt of predictions by the users with regard to the future events, as well as user-entered confidence (see at least col. 2, lines 15-16; see also col. 4, lines 11-27). In particular, the confidence values are not extracted. Rather, the confidence values are simply received as entered by a user. Therefore, Applicants respectfully submit that Geiger does not teach, describe or suggest “extracting participant characteristics”, as claimed (emphasis added).

Therefore, Applicants respectfully assert that nowhere does Geiger teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1, 9 and 16, that these claims overcome the rejection under 35 U.S.C. § 102(e), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit the Geiger also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-8 that depend from independent Claim 1, Claims 10-15 that depend on independent Claim 9, and Claims 17-20 that depend on independent Claim 16. Therefore, Applicants respectfully submit that Claims 2-8, 10-15 and 17-20 also overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

Furthermore, Claim 8 recites the limitation “wherein the results of the query process are aggregated by utilizing Bayes formula” (emphasis added). Applicants have reviewed the cited reference and are unable to locate any teaching of the use of Bayes formula. Therefore, Applicants respectfully assert that nowhere does Geiger teach, disclose or suggest the claimed embodiment of the present invention as recited in independent Claim 8, that this claim overcomes the rejection under 35 U.S.C. § 102(e), and that Claim 8 is thus in a condition for allowance.

Moreover, Claim 20 recites the limitation “using the Kullback-Leibler measure” (emphasis added). Applicants have reviewed the cited reference and are unable to locate any teaching of the use of the Kullback-Leibler measure. Therefore, Applicants respectfully assert that nowhere does Geiger teach, disclose or suggest the claimed embodiment of the present invention as recited in independent Claim 20, that this claim

overcomes the rejection under 35 U.S.C. § 102(e), and that Claim 20 is thus in a condition for allowance.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-20 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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